

BEFORE THE PUBLIC SERVICE COMMISSION

In re: Compliance investigation of FLATEL, Inc. d/b/a Florida Telephone Company d/b/a Oscatel d/b/a Telephone USA for apparent violation of Rule 25-4.110(16), F.A.C., Customer Billing for Local Exchange Telecommunications Companies.

DOCKET NO. 040129-TX
ORDER NO. PSC-04-0891-PCO-TX
ISSUED: September 14, 2004

ORDER EXTENDING DEADLINE

On February 10, 2004, a "Request to Establish Docket" was filed to investigate FLATEL, Inc. d/b/a Florida Telephone Company d/b/a Oscatel d/b/a Telephone USA (FLATEL) for apparent violation of Rule 25-4.110(16), Florida Administrative Code (F.A.C.), Customer Billing for Local Exchange Telecommunications Companies. After this docket was established, FLATEL initiated negotiations with our staff to identify measures to resolve the apparent violations. As a result of these negotiations, FLATEL proposed to notify each of its customers, in the form of a billing insert, that a local service freeze may be in place on their line.

On May 24, 2004, Order PSC-04-0529-PAA-TX (Order) was filed with the Commission. The purpose of the Order was to accept the settlement proposed by FLATEL and require it to comply with the provisions of the Order. Additionally, the Order required FLATEL to submit, no later than August 9, 2004, a detailed report summarizing the corrective measures taken by it to resolve the apparent violations.

On August 16, 2004, FLATEL filed a letter dated August 9, 2004, requesting the Commission to extend the deadline for submitting the report to September 30, 2004. FLATEL requested the extension on the basis that it needs additional time to fix problems resulting from some of its customers not having their freeze removed.

Upon consideration, it appears reasonable and appropriate to extend the deadline as requested by FLATEL so as to allow it to comply with the provisions of the Order. Accordingly, the deadline, as set forth in the Order, for submitting the detailed report is extended from August 9, 2004 to September 30, 2004.

Based on the foregoing, it is

ORDERED by Commissioner Rudolph "Rudy" Bradley, as Prehearing Officer, that FLATEL, Inc. d/b/a Florida Telephone Company d/b/a Oscatel d/b/a Telephone USA request for an extension to the deadline set forth in Order PSC-04-0529-PAA-TX is hereby approved. It is further

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ORDERED that FLATEL, Inc. d/b/a Florida Telephone Company d/b/a Oscatel d/b/a Telephone USA shall have until September 30, 2004 to submit a detailed report summarizing the corrective measures taken by it to comply with the provisions of Order PSC-04-0529-PAA-TX.

By ORDER of Commissioner Rudolph "Rudy" Bradley, as Prehearing Officer, this 14th day of September, 2004.



RUDOLPH "RUDY" BRADLEY
Commissioner and Prehearing Officer

(SEAL)

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NOTICE OF FURTHER PROCEEDINGS OR JUDICIAL REVIEW

The Florida Public Service Commission is required by Section 120.569(1), Florida Statutes, to notify parties of any administrative hearing or judicial review of Commission orders that is available under Sections 120.57 or 120.68, Florida Statutes, as well as the procedures and time limits that apply. This notice should not be construed to mean all requests for an administrative hearing or judicial review will be granted or result in the relief sought.

Mediation may be available on a case-by-case basis. If mediation is conducted, it does not affect a substantially interested person's right to a hearing.

Any party adversely affected by this order, which is preliminary, procedural or intermediate in nature, may request: (1) reconsideration within 10 days pursuant to Rule 25-22.0376, Florida Administrative Code; or (2) judicial review by the Florida Supreme Court, in the case of an electric, gas or telephone utility, or the First District Court of Appeal, in the case of a water or wastewater utility. A motion for reconsideration shall be filed with the Director, Division of the Commission Clerk and Administrative Services, in the form prescribed by Rule 25-22.060, Florida Administrative Code. Judicial review of a preliminary, procedural or intermediate ruling or order is available if review of the final action will not provide an adequate remedy. Such review may be requested from the appropriate court, as described above, pursuant to Rule 9.100, Florida Rules of Appellate Procedure.